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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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TOD **BEDILION**, LOREN TITSWORTH,  
ERIK BJELDANES, DOUGLAS GILLILAND,  
and LYLE ARNOLD,  
Junior Party  
(Patent No. 6,420,114 and 6,613,529),

v.

DONALD M. **BESEMER**, VIRGINIA W. GOSS,  
and JAMES L. WINKLER  
Senior Party  
(Application No. 10/639,696).

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Patent Interference No. 105,440 (MPT)  
(Technology Center 1600)

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**JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)**

Before: Medley, Tierney and Moore, *Administrative Patent Judges*.

**Tierney**, *Administrative Patent Judge*.

1 Junior Party Bedilion has filed a request for adverse judgment as to Count 1, the sole  
2 count in interference. (Paper No. 10).<sup>1</sup> Specifically, Bedilion states:

3 Pursuant to 37 C.F.R. § 41.127(b)(4), the Junior Party Bedilion hereby notifies the  
4 Board of Bedilion's abandonment of the contest in the above-captioned  
5 interference. In other words, Bedilion hereby requests entry of adverse judgment  
6 with respect to claims 1-30 of U.S. Patent No. 6,420,114 and claims 1-30 of U.S.  
7 Patent No. 6,613,529, i.e., all Bedilion claims designated as corresponding to  
8 Count 1, the sole count in this interference.

9 (Paper No. 10, p. 2).

10 It is:

11 **ORDERED** that judgment on priority as to Count 1, the sole count in interference, is  
12 awarded against Junior Party Bedilion.

13 **FURTHER ORDERED** that Junior Party Bedilion is not entitled to a patent containing  
14 claims 1-30 of U.S. Patent No. 6,420,114 and claims 1-30 of U.S. Patent No. 6,613,529, all of  
15 which correspond to Count 1.

16 **FURTHER ORDERED** that a copy of this paper shall be made of record in the files of  
17 U.S. Application No. 10/639,696, U.S. Patent No. 6,420,114, and U.S. Patent No. 6,613,529.

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<sup>1</sup>We note that the caption on Bedilions request for interference incorrectly identified Bedilion as a coinventor of the '696 application and Besemer as a coinventor of the '114 and '529 patents. Bedilion's real party in interest statement (Paper No. 9) and Bedilion's designation of lead counsel do not contain this caption error.

**FURTHER ORDERED** that should there be a settlement agreement, the parties' attention is directed to 35 U.S.C. §135(c) and 37 Bd. R. 205.

<u>/Sally C. Medley/</u>	)	
SALLY C. MEDLEY	)	
ADMINISTRATIVE PATENT JUDGE	)	
	)	
	)	
<u>/Michael P. Tierney/</u>	)	BOARD OF PATENT
MICHAEL P. TIERNEY	)	APPEALS AND
ADMINISTRATIVE PATENT JUDGE	)	INTERFERENCES
	)	
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
ADMINISTRATIVE PATENT JUDGE	)	

cc (electronic filing):

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